IN THE HIGH COURT OF UTTARAHCAL AT NAINITAL

Writ Petition No. 1034 (S/S) of 2005

Babu Ram, son of Sri Barham Singh,
Resident of Lane No. 4, Veer Bhadra Road,
Rishikesh, Opposite LIC Office,
District- Dehradun. **……..Petitioner.**

V e r s u s

1. State of Uttaranchal through Secretary, Agricultural Department, Dehradun.
2. Director, Agriculture, Uttaranchal, at camp Dehradun.
3. Chief Agricultural Officer, Dehradun.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Lok Pal Singh, learned counsel for the petitioner and learned Standing Counsel, who has accepted notices on behalf of respondents.

Learned counsel for the both the parties are agree to decide the writ petition at its admission stage itself.

By means of this petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the impugned transfer order dated 14.07.2005 passed by respondent no. 2 by which petitioner has been transferred from Dehradun to District- Chamoli.

The submission of the learned counsel for the petitioner is that petitioner was appointed on the post of Assistant Agriculture Inspector (Group III) in Tehri, District – Tehri Garhwal in the year 1981. Thereafter, in the month of July, 1988 the petitioner was transferred to Dehradun and again in the year 1990 the petitioner was transferred to Tehri, District- Tehri Garhwal. In the year 1991, the petitioner was again

transferred to Dehradun. In the meantime, petitioner was promoted to the post of Assistant Development Officer and still continuing in the District- Dehradun. Respondent no. 3 has invited the options for three places for transfer from the employees, who have completed their seven years of service in a district. The petitioner has submitted his option for three districts, however, the petitioner was not transferred to any of those district, which have been opted by the petitioner for transfer. The petitioner was transferred to some other place i.e. District- Chamoli.

I do not find any infirmity in the transfer order dated 14.07.2005 passed by respondents. Petitioner is staying at Dehradun since 1991. There is over stay of the petitioner at one place. It is not disputed that petitioner holds a transferable post and transfer is exigency in service. From the perusal of record it reveals that transfer order is neither stigmatic nor a punishment in any manner, as such, the same cannot be interfered by this court under Article 226 of the Constitution of India.

Learned counsel for the petitioner has submitted that respondent no. 2 may be directed to decide the petitioner's representation dated 19.07.2005, (Annexure no. 5 to the writ petition) which is pending him.

The prayer is innocuous. Respondent no. 2 is directed to decide the petitioner representation dated 19.07.2005 within a period of two weeks' from the date of production of certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 27, 2005
SKSharma